

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CHARLES JOSEPH CARTER,

No. C 11-1242 RS (PR)

Petitioner,

ORDER EXTENDING TIME

v.

GARY SWARTHOUT, Warden,

Respondent.

Petitioner's motion to extend time to file a traverse (Docket No. 32) is GRANTED. The traverse shall be filed on or before April 15, 2013. Petitioner's motion to grant relief (Docket No. 31) is DENIED. His motion to appoint counsel (Docket No. 27) is DENIED. There is no right to counsel in habeas corpus actions. *See Knaubert v. Goldsmith*, 791 F.2d 722, 728 (9th Cir. 1986). However, 18 U.S.C. § 3006A(a)(2)(B) authorizes a district court to appoint counsel to represent a habeas petitioner whenever "the court determines that the interests of justice so require" and such person is financially unable to obtain representation. The decision to appoint counsel is within the discretion of the district court, *see Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), and should be granted only when exceptional circumstances are present. *See generally* 1 J. Liebman & R. Hertz, *Federal Habeas Corpus*

1 *Practice and Procedure* § 12.3b at 383–86 (2d ed. 1994). Petitioner has not shown that there
2 are exceptional circumstances warranting appointment of counsel. The Clerk shall terminate
3 Docket Nos. 27, 31, and 32.

4 **IT IS SO ORDERED.**

5 DATED: February 25, 2013


RICHARD SEEBORG
United States District Judge

United States District Court
For the Northern District of California